

REMARKS

Applicants reply to the Final Office Action dated April 18, 2007 within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-13 were pending in the application and the Examiner rejects claims 1-13. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Claims Rejected under 35 U.S.C. § 112

The Examiner has rejected claims 1-13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully disagree.

The Examiner asserts that, in regard to independent claim 1, “the phrase ‘without human intervention’ is not described in the specification...” (page 4, paragraph 2). The Examiner admits that the disclosed process includes automated steps for opening a brokerage account. However, the Examiner asserts that, “having automated steps does not constitute that the steps are done without human intervention” (page 4, paragraph 2). Applicants respectfully submit that “without human intervention” falls in line with the very definition of the word “automation.” One definition of “automation” as provided by Merriam-Webster is, “automatically controlled operation of an apparatus, process, or system by mechanical or electronic devices that take the place of human labor” (<http://mw1.merriam-webster.com/dictionary/automation>). However, to expedite prosecution, Applicants amend claim 1 to disclose that the process steps performed are “solely automated.” Support for the amendments can be found in the originally filed specification at, for example, paragraphs 0025-0026 of U.S. Publication No. 2002/0156720.

The Examiner next asserts that, “the phrase ‘transferring a monetary value from said line of credit to said brokerage account to activate said brokerage account’ is not described in the specification...” (page 4, paragraph 3). Applicants respectfully disagree. However, to expedite prosecution, Applicants amend claim 1 to disclose that the process steps grant an applicant immediate access to trading activities prior to receiving funding for the brokerage account from the applicant. Support for the amendments can be found in the originally filed specification at, for example, paragraphs 0005, 0030, and 0032 of U.S. Publication No. 2002/0156720.

Claims Rejected under 35 U.S.C. § 103

The Examiner rejects claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over Weiss et al., U.S. Patent No. 6,354,490 (“Weiss”) in view of Lent et al., U.S. Patent No. 6,405,181 (“Lent”). Applicants respectfully traverse this rejection.

Weiss discloses an integrated financial system that integrates a number of different financial accounts into a single account. A user of the Weiss system may establish a primary account and define a number of sub-accounts to be included within the primary account. The Weiss system provides an interface, wherein a user may step through the account creation process, select desired sub-accounts, and later interact with the system to move funds between the various sub-accounts. Weiss further discloses that a user may establish one or more securities accounts. The Weiss system requires a licensed bank employee (i.e., a person) to open an account at a scheduled time or to arrange a call-back to schedule a time to open the account (i.e., not a real-time event). According to Weiss, “Specifically, the system displays a securities work window that allows the user to enter an appointment date and time or ask for a call back” (emphasis added) (Col. 17, lines 36-40). “The reason for this is that typically information to building the securities component must be handled by a licensed bank employee” (emphasis added) (Col. 17, lines 40-42). “If an appointment is made, then the system builds a securities confirm message and the system returns to the statement building screen” (Col. 17, lines 42-44).

Lent generally discloses a system for real-time credit card approval. Specifically, the Lent system enables an applicant to enter personal information online, which is then formatted and transmitted to a credit reporting agency. Based on the user’s personal information (e.g., income, length of employment, home ownership and debt) in combination with a returned credit score, the Lent system may establish a line of credit for the user. Lent further provides a user interface, whereby the user can later interact with the system to transfer funds from the line of credit to a number of secondary accounts. While the establishment of the line of credit, as disclosed by Lent, may not require significant human intervention, **the step of transferring funds from the line of credit to a secondary account requires the user to interact with the system to invoke a transfer transaction after the line of credit has been established. Importantly, the Lent system first requires a user to request a line of credit or other monetary account. Then, when an account has been established, the user must request that a sum be transferred from the monetary account to the investment account. In other words, the Lent system would require user action to establish both accounts, and one account is not automatically created upon creation of the other.** Moreover, Lent does not provide

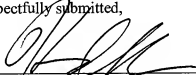
funding of an account prior to receiving account funding from the applicant. As such, neither Weiss, Lent, nor any combination thereof, disclose or suggest at least, "based upon said establishing said brokerage account, granting, through a solely automated process, immediate access to participate in an investment based on said brokerage account prior to receiving payment from said applicant for said investment," as similarly recited by independent claims 1, 11, and 12.

Applicants assert that claims 2-10 and 13 variously depend from independent claims 1 and 12, so claims 2-10 and 13 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814, including extension fees, if necessary.

Respectfully submitted,

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By: 
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